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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/523,416 | 03/21/2005 | Takashi Ochi | IPE-050 | 6302 |

7590

01/24/2006

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EXAMINER

EDWARDS, NEWTON O

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/523,416 | Applicant(s) OCHI ET AL. | |
| | Examiner N Edwards | Art Unit 1774 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-35 and 37-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 1774

LACK OF UNITY ELECTION

This election requirement is made in accordance with 37 CFR 1.499 and made under 35 USC121.

Group I: Claims 1, and 3-16, directed to a porous fiber with unconnected pore.

Group II: Claim 2, directed to a porous fiber with connected pores.

Group III: Claims 17-20, 22, 23, 24, 25-27, and 31, directed to an island –in- sea fiber.

Group IV: Claims 21,28,29,30, and 32, directed to a fiber with a layered structure.

Group V: Claims 33-35 a pellet (particle) made from a blend of polyamide and polyester.

Group VI: Claims 37 a pellet (particle) made from a blend of containing polyether ester.

If group VI is elected, Applicant is required under PCT rule 13 to elect a single disclosed species from claim 37 polyamides, polyesters, and polyolefins.

Group VII: Claims 38-41,directed to three distinct methods of melting spinning a fiber.


If group VII is elected, Applicant is required under PCT rule 13 to elect a single disclosed method of making the fiber from claims 38, 39, or 40.

The special technical feature (STF) of group I, is directed to a porous fiber having unconnected pores. The foregoing STF is not required in groups II-VII. There can be no unity of invention when the single inventive concept (or STF) is not required in the inventions of group II-VII. Thus, Lack of Unity is held by the Examiner under PCT rule 13 and 37 CFR 1.475.

Art Unit: 1774

A telephone call was made to Ronald Kubovcik on 1/12/05, however Mr. Kubovick requested a written Lack of Unity requirement.

Any inquiry concerning this communication should be directed to Primary Examiner Edwards at telephone number 571-272-1521.


N Edwards
Primary Examiner
Art Unit 1774